

## E-filing

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08 APR -08 PM 3:24  
NICHOLAS J. RICHARDSON, CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
FILED

1 **COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983**

2  
3 Name Franges Christopher M  
4 (Last) (First) (Initial)

5 Prisoner Number PFN # DVP121 /Booking # 08005312

6 Institutional Address 701 South Abel st. Milpitas CA

9 **UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

10 Christopher Micheal Franges 08 1882  
11 (Enter the full name of plaintiff in this action.) P.J.H.

12 vs. Case No.

13 Santa Clara Police (To be provided by the clerk of court)

14 Department and) P.J.H.

15 San Jose Police (PR)

16 Department)

17 (Enter the full name of the defendant(s) in this action))

18 *[All questions on this complaint form must be answered in order for your action to proceed.]*

19 I. Exhaustion of Administrative Remedies

20 [Note: You must exhaust your administrative remedies before your claim can go  
21 forward. The court will dismiss any unexhausted claims.]

22 A. Place of present confinement Department of Corrections  
23 B. Is there a grievance procedure in this institution? Santa Clara County

24 YES (✓) NO ( )

25 C. Did you present the facts in your complaint for review through the grievance  
26 procedure?

27 YES ( ) NO (✓)

28 D. If your answer is YES, list the appeal number and the date and result of the

1 appeal at each level of review. If you did not pursue a certain level of appeal,  
2 explain why.

3 1. Informal appeal \_\_\_\_\_  
4 \_\_\_\_\_

5 \_\_\_\_\_ 2. First  
6 formal level \_\_\_\_\_  
7 \_\_\_\_\_

8 \_\_\_\_\_ 3. Second formal level \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_

11 \_\_\_\_\_ 4 Third  
12 formal level \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_

15 E. Is the last level to which you appealed the highest level of appeal available to  
16 you?

17 YES ( ) NO ( )

18 F. If you did not present your claim for review through the grievance procedure,  
19 explain why. \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_

22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,  
24 if any.  
25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_

28 B. Write the full name of each defendant, his or her official position, and his or her

1 place of employment.

2 Santa Clara Police Department and  
3 San Jose Police Department

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III.

7 Statement of Claim

8 State here as briefly as possible the facts of your case. Be sure to describe how each  
9 defendant is involved and to include dates, when possible. Do not give any legal arguments or  
10 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a  
11 separate numbered paragraph.

12 I got off work and started to walk  
13 home. Two or three black unmarked cars  
14 pulled up to me very fast out of no where. I  
15 started to run, then realized they where the  
16 police so I stoped. The cops had released  
17 a dog and it bit me on my lower hip. I fell  
18 to the ground. I received several hard  
19 blows to my head from a police officer while  
20 the dog was still biting me. Another  
21 officer tried pulling the dog off while another  
22 hand cufft me. The dog bit me for 3 or 4  
23 minutes. I was not charged with resisting  
24 arrest.

25 IV. Relief

26 Your complaint cannot go forward unless you request specific relief. State briefly exactly  
27 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

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7 I declare under penalty of perjury that the foregoing is true and correct.

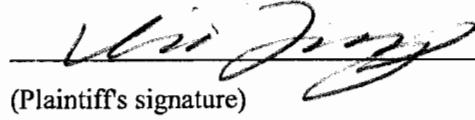
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9 Signed this 22 day of March, 2008

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(Plaintiff's signature)

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JS 44 - CAND (Rev. 11/04)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

## I.(a) PLAINTIFFS

Christopher Frances

## DEFENDANTS

Santa Clara Police Dept.  
and San Jose Police Dept.(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Santa Cruz  
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

## II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

1 U.S. Government Plaintiff  
 2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)  
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF  
(For diversity cases only) AND ONE BOX FOR DEFENDANT)

Citizen of This State	<input checked="" type="checkbox"/> PTF	<input type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF	<input checked="" type="checkbox"/> DEF
Citizen of Another State	<input type="checkbox"/> PTF	<input checked="" type="checkbox"/> DEF	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> PTF	<input type="checkbox"/> DEF
Citizen or Subject of a Foreign Country	<input type="checkbox"/> PTF	<input checked="" type="checkbox"/> DEF	Foreign Nation	<input type="checkbox"/> PTF	<input type="checkbox"/> DEF

## IV. ORIGIN

(PLACE AN 'X' IN ONE BOX ONLY)

Original Proceeding  
 Removed from State Court  
 Remanded from Appellate Court  
 Reinstated or Reopened  
 Transferred from Another district (specify) \_\_\_\_\_  
 Multidistrict Litigation  
 Appeal to District Judge from Magistrate Judgment

## V. NATURE OF SUIT (PLACE AN 'X' IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 196 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 366 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 168 <input type="checkbox"/> 423 Withdrawal 28 USC 167
			<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 876 Customer Challenge 12 USC 3410
			<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act
			<b>LABOR</b>	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIVC/DIVW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 866 RSI (405(g))
			<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
			<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Amer w/ disab - Empl <input type="checkbox"/> 446 Amer w/ disab - Other <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV	<input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) # 360 other personal injury

Personal injury due to excessive force.

VII. REQUESTED IN COMPLAINT:  CHECK IF THIS IS A CLASS ACTION DEMAND \$25,000  CHECK YES only if demanded in complaint.

UNDER F.R.C.P. 23

JURY DEMAND:  YES  NOVIII. RELATED CASE(S) PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE  
IF ANY "NOTICE OF RELATED CASE".IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)  
(PLACE AND "X" IN ONE BOX ONLY) SAN FRANCISCO/OAKLAND SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

Christopher Franges / ~~Surpal~~  
701 S. Abel st.  
Milpitas, CA

U.S. AIR MAIL  
7 MAY 5:07  
RICHARD B. HENRY  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Clerk of the United States District Court  
for the Northern District of California,  
450 Golden Gate Avenue, Box 36060,  
San Francisco, CA, 94102.

COUNTY JAIL  
CERTIFIED MAIL